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Attorneys for Plaintiffs,
BMG MUSIC; SONY BMG MUSIC
ENTERTAINMENT; WARNER BROS.
RECORDS INC.; INTERSCOPE RECORDS;
ELEKTRA ENTERTAINMENT GROUP INC.;
MOTOWN RECORD COMPANY, L.P.;
LAFACE RECORDS LLC; FONOVisA, INC.;
and UMG RECORDINGS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BMG MUSIC, a New York general partnership;
SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; WARNER BROS.
RECORDS INC., a Delaware corporation;
INTERSCOPE RECORDS, a California general
partnership; ELEKTRA ENTERTAINMENT
GROUP INC., a Delaware corporation;
MOTOWN RECORD COMPANY, L.P., a
California limited partnership; LAFACE
RECORDS LLC, a Delaware limited liability
company; FONOVisA, INC., a California
corporation; and UMG RECORDINGS, INC., a
Delaware corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 5:07-CV-06034-RMW

HON. RONALD M. WHYTE

***EX PARTE* APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

Ex Parte Application To Extend Time To Serve Defendant And [Proposed] Order

Case No. 5:07-Cv-06034-RMW

#38819 V1

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1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for July 25, 2008, at 10:30 a.m. to October 24, 2008. As further explained below,
3 Plaintiffs have discovered the identity of the Doe defendant in this case, and are currently in
4 settlement negotiations. In support of their request, Plaintiffs state as follows:

5 1. The initial case management conference is set for July 25, 2008. Plaintiffs requested,
6 and the Court granted, one previous continuance of the case management conference on March 19,
7 2008.

8 2. Plaintiffs filed their Complaint for Copyright Infringement against Defendant John
9 Doe on November 29, 2007. Plaintiffs did not have sufficient identifying information to name
10 Defendant in the Complaint, but were able to identify Defendant by the Internet Protocol address
11 assigned to Defendant by Defendant's Internet Service Provider ("ISP") – in this case, the University
12 of California-Berkeley. In order to determine the true name and identity of the Doe defendant,
13 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery on November 29,
14 2007, requesting that the Court enter an Order allowing Plaintiffs to serve a Rule 45 subpoena on the
15 ISP.

16 3. The Court granted Plaintiffs' *Ex Parte* Application for Leave to Take Immediate
17 Discovery on March 19, 2008. Accordingly, Plaintiffs thereafter served a subpoena on the ISP to
18 obtain the identity of the Doe defendant. On April 30, 2008, the ISP responded to Plaintiffs'
19 subpoena, identifying the Defendant, Gina Carolina Riggs-Baeza

20 4. Upon receipt of this information from the ISP, Plaintiffs sent a letter to Defendant on
21 May 13, 2008 notifying her of their claims for copyright infringement and encouraging her to make
22 contact to attempt to amicably resolve this matter. In response to this letter, Defendant contacted
23 Plaintiffs' settlement representatives on May 30, 2008, and the parties engaged a settlement
24 discussion. No settlement was reached at this time.

25 5. Plaintiffs have since engaged in several follow-up settlement communications with
26 Defendant to resolve this matter, but have so far not agreed on a settlement amount. However,
27 Defendant did admit to Plaintiffs on June 11, 2008 that she committed the copyright infringement at
28 issue. If Plaintiffs are unable to reach a settlement agreement with Defendant by August 1, 2008,

1 Plaintiffs plan to file a First Amended Complaint naming her individually as the defendant in this
2 case, and then proceed to serve process upon her.

3 6. Given the circumstances of this case, Plaintiffs respectfully request that the case
4 management conference be continued from July 25, 2008 at 10:30 a.m. to October 24, 2008, or such
5 other date as conveniences the Court.

6 7. Plaintiffs will provide the Defendant with a copy of this request and any Order
7 concerning this request when service of process occurs.

8
9 Dated: July 17, 2008

HOLME ROBERTS & OWEN LLP

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11 By: /s/ Dawniell Alise Zavala
12 DAWNIELL ALISE ZAVALA
13 Attorney for Plaintiffs
14 BMG MUSIC; SONY BMG MUSIC
15 ENTERTAINMENT; WARNER BROS.
16 RECORDS INC.; INTERSCOPE
17 RECORDS; ELEKTRA
18 ENTERTAINMENT GROUP INC.;
19 MOTOWN RECORD COMPANY, L.P.;
20 LAFACE RECORDS LLC; FONOVisA,
21 INC.; and UMG RECORDINGS, INC.

22
23
24
25 **[PROPOSED] ORDER**

26 Good cause having been shown:

27 **IT IS ORDERED** that the case management conference currently set for July 25, 2008, at
28 10:30 a.m. be continued to October 24, 2008.

Dated: _____

By: _____
Honorable Ronald M. Whyte
United States District Judge